



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1805 Entitled, "An Ordinance of the Lodi City Council Adopting the '2007 California Mechanical Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.08 in its Entirety"

MEETING DATE: November 21, 2007

PREPARED BY City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1805.

BACKGROUND INFORMATION: Ordinance No. 1805 entitled, "An Ordinance of the Lodi City Council Adopting the '2007 California Mechanical Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.08 in its Entirety," was introduced at the regular City Council meeting of November 7, 2007.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT None.

FUNDING AVAILABLE: None required.

A handwritten signature in black ink, appearing to read "Randi Johl".

Randi Johl
City Clerk

RJ/jmp

Attachment

APPROVED: Blair King, City Manager

ORDINANCE NO. 1805

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING
THE "2007 CALIFORNIA MECHANICAL CODE"; THEREBY,
REPEALING AND RE-ENACTING LODI MUNICIPAL CODE
CHAPTER 15.08 IN ITS ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.08, "Mechanical Code," is hereby repealed and reenacted in its entirety to read as follows:

Chapter 15.08

Mechanical Code

- 15.08.010 Adoption.
- 15.08.020 Mechanical Permit Fees.
- 15.08.025 Fee Schedule.
- 15.08.030 Installation.
- 15.08.040 Violation – Misdemeanor.

15.08.010 Adoption

The provisions set forth in the '2007 California Mechanical Code," together with appendix Chapter 1 Administration and all other appendix thereto, are hereby adopted as the Mechanical Code of the City of Lodi. The Mechanical Code of the City of Lodi shall apply to all matters pertaining to erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any heating, ventilation, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances; to the issuance of permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "2007 California Mechanical Code," together with the appendixes thereto, within the City of Lodi.

15.08.020 Mechanical Permit Fees

A fee for each mechanical permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.08.025 Fee Schedule

The schedule of Mechanical Permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.08.030 Installation

Section 304.1 Installation. The California Mechanical Code adopted in Section 15.08.010, is amended to read as follows:

Section 304.1. 2. Location of heating and cooling equipment. Heating, cooling, and swimming pool equipment shall not be located within the required five-foot side yard setback as defined by the City of Lodi Zoning Ordinance for residential zonings.

- A. It shall be unlawful for any person, to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, comfort cooling, or refrigeration equipment in the jurisdiction, or cause the same to be done, contrary to or in violation of any of the provision of this Chapter. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this Code if installed after effective date of this Chapter, shall constitute a continuing violation of this Chapter.
- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.08.040 (B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

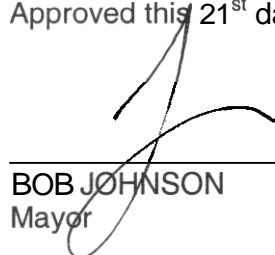
Section 2 – No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside if the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 – Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.


Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2008, which date is at least 30 days after passage of this ordinance.

Approved this 21st day of November, 2007



BOB JOHNSON
Mayor

Attest:



RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1805 was introduced at a regular meeting of the City Council of the City of Lodi held November 7, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 21, 2007, by the following vote:


AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, Mounce, and
Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1805 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER

By  _____
JANICE D. MAGDICH
Deputy City Attorney